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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

GREG GONZALEZ,

Defendant and Appellant.

E064366

(Super.Ct.No. FSB1501222)

OPINION

APPEAL from the Superior Court of San Bernardino County. Steve Malone,  
Judge. Affirmed.

Michelle C. Zehner, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

## STATEMENT OF THE CASE

### A. PROCEDURAL HISTORY

On April 13, 2015, a felony complaint charged defendant and appellant Greg Gonzalez with possession of a firearm by a felon under Penal Code<sup>1</sup> section 29800, subdivision (a)(1) (count 1); possession of an assault weapon under section 30605, subdivision (a) (count 2); and possession of ammunition under section 30305, subdivision (a)(1) (count 3). The complaint also alleged a prior felony conviction under section 245, subdivision (a)(2), within the meaning of sections 1170.12, subdivisions (a) through (d), and 667, subdivisions (b) through (i).

On June 10, 2015, defendant pled no contest to count 1, and admitted the prior conviction. In exchange for his plea, defendant was sentenced on count 1 to the low term of 16 months, doubled to 32 months under section 667, subdivision (e)(1). The court ordered defendant to pay fees and fines. Defendant received credit for 137 actual days, plus 136 conduct days for a total of 273 days. On the People's motion, the court dismissed the other counts against defendant. Defendant waived his right to appeal.

On August 25, 2015, defendant filed an appeal with a request for a certificate of probable cause, which stated: "Defendant requests attorney file a notice of appeal." On August 28, 2015, the court denied defendant's request for a certificate of probable cause. Defendant filed an amended notice of appeal on September 14, 2015 "based on the sentence or other matters that occurred after the plea and do not affect its validity."

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise specified.

## B. FACTUAL HISTORY<sup>2</sup>

On April 10, 2015, officers responded to a landlord and tenant dispute in San Bernardino. Defendant's mother, Linda Stone, rented out a number of "make shift sheds/apartments" to various tenants. One of these tenants was upset that he was not being permitted to use the shower inside the home itself. Defendant told the officers that the tenants had their own shower outside, and that he did not want them inside his mother's house.

The tenant told the officer that their shower was not working. Officer Martinez asked defendant to take him to the shower to verify that it was working. Defendant invited the officer back to check out the shower. At this time, Stone approached Officer Martinez to assure him that the city was aware of the sheds she was renting.

While the officer was speaking with Stone, defendant walked to the northwest portion of the property, out of the officer's sight, and began slamming doors. The officer asked defendant to return based on safety concerns, but defendant failed to comply. Officer Martinez went to where defendant had disappeared and noticed him locking a gate. The officer asked defendant what was behind the gate. Defendant replied that it was "private property" and that the officer was "not going back there." Defendant appeared nervous.

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<sup>2</sup> The parties stipulated that the police reports would serve as the factual basis for defendant's guilty plea.

Officer Martinez asked Stone what was back there, and she replied, “I don’t know. Some people.” Officer Martinez noticed two sheds inside the trailer. When defendant and his mother confirmed that there were people back there, the officer asked defendant if he was barricading people in the rear of the yard. Defendant stated that the people could get out if they wanted to. The officer wanted to make sure that the people were not trapped inside the side yard. Stone told defendant to “just open the gate for them and let them go back there.” Defendant complied and said, “Go ahead.”

Officer Martinez entered and noticed two sheds with combination locks on the doors. These sheds had air conditioning and a water supply. The officer suspected that there might be people locked inside and asked defendant to open the sheds. Defendant refused. While investigating the buildings, Officer Martinez found two people and 10 marijuana plants. Defendant assured the officer that he had a marijuana card, but did not have it with him.

The officer asked Stone if there was more marijuana in the locked sheds. Stone responded that she did not know what was in the sheds.

Defendant refused to let officers search the sheds, saying they were not his sheds but his mother’s sheds. Officer Martinez asked Stone if she would open the sheds; she instructed defendant to do so. Defendant refused. Stone told the officer to break down the doors. When the officer said he could not do so, Stone asked to have her grandson, Adam Gustafson (who was also present on the property) force the doors open.

Stone told the officers that defendant had only recently added the lock to one of the sheds. Stone asked defendant to open the lock but he refused. Gustafson forced the door open and the officer spotted the barrel of a rifle, identified as an AR15, with one round in the chamber. Stone stated that she had never seen the gun before. The officer also found ammunition.

Stone denied that the rifle was hers. Defendant refused to answer whether the rifle was his. The lower trigger portion of the rifle was registered to Stone, who stated that she purchased that piece with defendant at a store; she did not assemble the rifle itself. Stone claimed the only person who had access to the shed was defendant, an assertion that Gustafson and two other residents confirmed.

### **DISCUSSION**

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error.

**DISPOSITION**

The judgment is affirmed.

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MILLER  
J.

We concur:

RAMIREZ  
P. J.

McKINSTER  
J.